

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR
9004-1(b)

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SUN WEST MORTGAGE COMPANY, INC.
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In Re:

SIRAD D SUMMERLIN and
NATASHA S SUMMERLIN fka
NATASHA SCARANNI

Debtor(s).



Order Filed on December 3, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 18-14374 MBK
Chapter: 13

Hearing Date: November 27, 2018

Judge: Honorable Michael B.
Kaplan

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS

The relief set forth on the following page(s) is hereby **ORDERED**.

DATED: December 3, 2018


Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant's Counsel:	Fein, Such, Kahn & Shepard, P.C.
Debtors' Counsel:	JUSTIN M GILLMAN
Property Involved (Collateral")	13 RIDGE AVENUE SAYREVILLE, NJ 08872

Relief sought: ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent
 imposition of automatic stay against the
 collateral by Debtors' future bankruptcy
 filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is
(are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtors are overdue for 2 months, from October, 2018
to November, 2018.

☒ The Debtors are overdue for 2 payments at \$1,822.71 per
month with \$3.32 in suspense.

☐ The Debtors assessed for N/A late charges at N/A per
month.

☐ Applicant acknowledges receipt of funds in the amount of
N/A received after the motion was filed.

Total Arrearages Due \$3,642.10.

2. Debtors must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of
\$1,822.71. Payment shall be made no later than November 23,
2018.

☒ Beginning on December 1, 2018, regular monthly mortgage
payments shall continue to be made in the amount of
\$1,822.71.

☒ Beginning December 1, 2018, additional monthly cure
payments shall be made for 3 months. Debtors shall make cure
payments in the amount of \$606.46 for December, 2018 through
January, 2019 and \$606.47 for February 2019.

☐ The amount of \$N/A shall be capitalized in the Debtors' Chapter 13 plan. The Debtors' monthly payment to the Chapter 13 Trustee is modified to be \$N/A per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

- ☒ Immediate payment: Sun West Mortgage Company, Inc.
c/o Fein, Such, Kahn & Shepard P.C.
7 Century Drive Suite 201,
Parsippany, NJ 07054
- ☒ Regular monthly payment: Sun West Mortgage Company, Inc.
P.O. Box 6007
Artesia, CA 90702-6007
- ☒ Monthly cure payment: Sun West Mortgage Company, Inc.
P.O. Box 6007
Artesia, CA 90702-6007

4. In the event of Default:

☒ If the Debtors fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$400.00, and costs of \$181.00.

The fees and costs are payable:

- ☒ through the Chapter 13 plan.
- ☐ to the Secured Creditor within _____ days.
- ☐ Attorneys' fees are not awarded.

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
District of New Jersey

In re:
Sirad D Summerlin
Natasha S Summerlin
Debtors

Case No. 18-14374-MBK
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Dec 04, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 06, 2018.
db/jdb +Sirad D Summerlin, Natasha S Summerlin, 13 Ridge Avenue, Sayreville, NJ 08872-1929

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 06, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 4, 2018 at the address(es) listed below:

Albert Russo docs@russotruster.com
Jill Manzo on behalf of Creditor SUN WEST MORTGAGE COMPANY, INC. bankruptcy@feinsuch.com
Joseph Andrew Kutschman, III on behalf of Creditor Three Pence Brooke Condominium Association, Inc. jkutschman@cutolobarros.com
Justin M Gillman on behalf of Joint Debtor Natasha S Summerlin abgillman@optonline.net, r47252@notify.bestcase.com
Justin M Gillman on behalf of Debtor Sirad D Summerlin abgillman@optonline.net, r47252@notify.bestcase.com
Rebecca Ann Solarz on behalf of Creditor Toyota Lease Trust rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
William M.E. Powers on behalf of Creditor CitiMortgage, Inc. ecf@powerskirm.com
William M.E. Powers, III on behalf of Creditor CitiMortgage, Inc. ecf@powerskirm.com
TOTAL: 9